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Intergovernmental Agreements

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MAY 15, 2001

RESOURCE DOCUMENT 6: INTERGOVERNMENTAL AGREEMENTS

Gallatin County Growth Policy “A Shared Vision for a New Century”

6.1 STATEMENT OF COORDINATION AND COOPERATION BETWEEN GALLATIN COUNTY AND BOZEMAN CITY PLANNING BOARDS.

Adopted by Gallatin County Planning Board March 14, 2000

*The Gallatin County Planning Board and the Bozeman City Planning Board agree to coordinate and cooperate with each other on matters relating to development of the **GROWTH POLICY** within the area currently known as the Gallatin County/Bozeman Area Zoning District.*

The Gallatin County Planning Board shall ensure coordination and cooperation with the Bozeman City Planning Board on matters related to the growth policy by:

- Working collaboratively to develop coordinating policies that are beneficial to all county residents.*
- Providing city staff and board members with an opportunity to review and comment on all major subdivision proposals and requests to amend the growth policy or zoning regulations within the Gallatin County/Bozeman Area Zoning District.*

The Bozeman City Planning Board shall ensure coordination and cooperation with the Gallatin County Planning Board on matters related to the growth policy by:

- Working collaboratively to develop coordinating policies that are beneficial to all county residents.*
- Providing county staff and board members with an opportunity to review and comment on all requests regarding annexation, changes to the city annexation policy, and on requests to amend growth policy or the zoning ordinance in the city.*

Coordinating Policies

1. Land Use:

- A. Explore opportunities via SB 97 (Growth Policy) to enhance planning for the area abutting the Bozeman municipal boundaries.*
- B. Support urban and suburban, non-agricultural development within the urban service area.*
- Promote urban and suburban, non-agricultural development on city services or central services appropriate for later connection to city services.*
- C. Promote on-site services for development outside urban service area to the extent consistent with policies that seek to discourage leapfrog development.*
- D. Support agricultural/open space land use.*
- Consider/evaluate the feasibility of TDRs and other collaborative programs.*
- Protect significant natural amenities and critical lands.*
- Provide appropriate buffers for riparian areas, ridgelines, parks, etc.*

2. Transportation System:

- A. Develop a county-wide trails plan.*
- B. Support the update of the Bozeman Area Transportation Plan so that land use policy drives the design of the transportation system.*

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6.2 DRAFT INTERGOVERNMENTAL AGREEMENT.

THIS AGREEMENT, entered into this _____ by and between GALLATIN COUNTY, MONTANA, hereinafter referred to as the “County,” and THE CITY OF BOZEMAN, MONTANA, a Municipal Corporation, hereinafter referred to as the “City.”

WITNESSETH:

WHEREAS, continued growth in Bozeman and in the Bozeman area of Gallatin County provides the opportunity for increased coordination between the City and the County, resulting in better management and control of the development in this area; and

WHEREAS, the Interlocal Cooperation Act, as found in 7-11-101, et. seq., Montana Code Annotated permits local governmental units to make the most efficient use of their powers by enabling them to cooperate with other local governmental units on a basis of mutual advantage and thereby to provide services and facilities in a manner and pursuant to forms of governmental organization that will accord best with geographic, economic, population, and other factors influencing the needs and development of local communities; and

WHEREAS, it is the purpose of Chapter 1, Title 76 of Montana Codes Annotated, Planning Boards, to encourage local units of government to improve the present health, safety, convenience, and welfare of their citizens and to plan for the future development of their communities to the end that highway systems be carefully planned; that new community centers grow only with adequate highway, utility, health, educational, and recreational facilities; that the needs of agriculture, industry, and business be recognized in future growth; that residential areas provide healthy surroundings for family life; and that the growth of the community be commensurate with and promotive of the efficient and economical use of public funds; and

WHEREAS, subsections (g) - (j) of 76-1-601 Montana Codes Annotated require an adopted growth policy to include :

- (g) a statement of how the governing bodies will coordinate and cooperate with other jurisdictions that explains:
 - (i) if a governing body is a city or town, how the governing body will coordinate and cooperate with the county in which the city or town is located on matters related to the growth policy;
 - (ii) if a governing body is a county, how the governing body will coordinate and cooperate with cities and towns located within the county's boundaries on matters related to the growth policy;
- (h) a statement explaining how the governing bodies will:

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- (i) define the criteria in 76-3-608(3)(a); and
- (ii) evaluate and make decisions regarding proposed subdivisions with respect to the criteria in 76-3-608(3)(a); and
- (i) a statement explaining how public hearings regarding proposed subdivisions will be conducted.

Section 1.0 Policies:

- 1.1 That the City and County shall establish an Urban Growth Area (UGA) surrounding the City of Bozeman and mutually agree that said area is appropriate for the location and development of urban land uses and urban residential densities.
- 1.2 That urban level development is permitted to take place outside of the UGA only in areas designated for that use in the duly adopted and approved Gallatin County Growth Policy. Subsequent revisions to the Growth Policy **within one mile of the UGA boundary** shall be forwarded to the City for recommendation at least thirty-five (30) days prior to final action thereon by the County.
- 1.3 That the County will approve only urban level developments (**greater than 2 units/acre**) within the UGA, except for those areas otherwise specified and agreed to by the City and County.
- 1.4 That properties within the UGA seeking to develop must annex to the City if the City determines that municipal water and sanitary sewer can be made available. If municipal water and sanitary sewer cannot be made available, the County shall impose City of Bozeman street, parking and landscaping standards and require waivers of protest to annexation and special improvement districts as part of development approvals. The city shall participate in the review of the design for all infrastructure for eventual connection to city services.
- 1.5 That the Policy of the City is to consider the annexation of all properties within the unincorporated area of the UGA as soon as **said property becomes eligible for annexation and municipal water and sanitary sewer can be made available**.
- 1.6 That the City agrees not to annex property outside the UGA without first amending the UGA boundary through the established amendment procedure.

WHEREAS, in order to effectuate the policies agreed upon by the County and the City, it is appropriate that an Intergovernmental Agreement be entered into.

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Section 2.0 Agreements:

NOW, THEREFORE, in consideration of the covenants and obligations herein expressed, it is agreed by and between the parties hereto as follows:

- 2.1 Establishment of UGA: There is hereby established a UGA surrounding the City of Bozeman. Gallatin County and the City of Bozeman shall amend their official Growth Policy Maps to reflect the UGA District as set forth on Map One, attached hereto and by this reference incorporated herein.
- 2.2 Referral Policy: When subdivision proposals or publicly funded projects such as CTEP or CDBG are located within the Bozeman UGA, the County agrees to refer such development proposals to the Bozeman Planning Board for review and comment. Such referrals shall be forwarded to the Board for recommendation at least thirty (30) days prior to final action thereon by the County.

The City agrees that after review of the development proposals by the Bozeman Planning Board and the recommendation for approval, approval with conditions, or disapproval is forwarded to the Gallatin County Board of County Commissioners, that final authority regarding approval or disapproval of development proposals rests with the Board of County Commissioners. The County acknowledges that nothing herein shall prevent the City of Bozeman from adopting and exercising control over its own utility extension plans and procedures.

- 2.3 Establishment of Growth Policy for the UGA: The County and the City agree to follow the policies included in the Gallatin County Growth Policy for the Bozeman UGA.
- 2.4 Establishment of Supplemental Regulations for the UGA: The County shall establish Supplemental Subdivision and Zoning Regulations for the UGA incorporating the policies and agreements contained herein.
- 2.5 Development Within the UGA:

- A. The County agrees not to approve any rezoning or development application, as defined in the Supplemental Regulations, for property which is eligible for annexation to the City and for which the City has determined that municipal water and sanitary sewer can be made available. If an annexation petition is filed and is subsequently denied by the City, the County may accept a rezoning or development proposal on the property and, if appropriate, approve it in accordance with the developmental criteria contained in this agreement.
- B. The County agrees that the City Commission reserves the right, under this agreement, to review and comment on development proposals which propose waiver requests to City of Bozeman street, parking and landscaping standards

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or to requirements for waivers of protest to annexation and special improvement districts otherwise required as part of development approvals within the UGA. The County shall extend the opportunity to the City Commission to comment upon such waiver requests at least thirty (30) days prior to action on the proposal by the Board of County Commissioners.

- C. The County agrees that **unobligated** fire and street impact fees collected within the UGA shall be eligible for expenditure within the city should the property generating the fee be annexed.
 - D. The County and City agree that, except as modified by this agreement, all County regulations and procedures, including the authority to disapprove, approve, or approve with conditions, shall continue to apply to developments within the UGA.
 - E. The County and City agree that appeals, interpretations and variances from the normal and supplemental zoning provisions pertaining to unannexed properties in the UGA building permit stage, shall be forwarded to the Gallatin County Board of Adjustment, as provided for in the Gallatin County Zoning Ordinance.
 - F. The County and City agree to coordinate any technology applicable to the UGA including GIS mapping and that an equitable cost-share of any UGA specific updates will be developed between the City and the County.
- 2.6 Establishment of a Park Fund for the UGA. The County hereby establishes a park fund within the UGA to be funded by any cash-in-lieu of parkland payments accepted by the County in lieu of required parkland dedication within the UGA. The City and County agree to use such fund for the acquisition and development of parks to benefit the area from which the fee is collected, either within the city or within the UGA . The location, timing and development of parks within the UGA shall be acceptable to and approved in writing by the City, and shall be consistent with any applicable elements of the adopted Gallatin County Growth Policy.
- 2.7 Development Outside of the UGA. Gallatin County agrees to use the Gallatin County Growth Policy as a guideline for development outside the UGA. Subsequent revisions to said Growth Policy **affecting the UGA or property within one mile of the UGA boundary** shall be forwarded to the City for recommendations at least thirty (30) days prior to final action by the County.
- 2.8 Annexations.
- A. The City agrees to consider the annexation of any parcel or parcels of land located in the UGA .

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- B. The City agrees to consider for annexation any Annexation Petition for undeveloped or developed parcel or parcels of land which qualify for voluntary annexation pursuant to State law. The City also agrees to the **annexation of all County Road rights-of-way, easements, etc. adjacent to a voluntary annexation.**, provided, however, that the City reserves the right not to annex such County roads and rights-of-way if such road is primarily used by County development. In the event the City shall determine not to annex such roads or rights-of-way, it shall provide a written explanation in the annexation impact reports provided to the County outlining the City’s reasons for determining not to annex such roads or rights-of-way. **CHECK GREAT FALLS - CASCADE COUNTY FOR POSSIBLE BEST PRACTICE IN THIS REGARD.**
 - C. The City agrees to pursue involuntary annexation of any undeveloped parcel or parcels, or any undeveloped, partially developed, or developed subdivision, planned unit development, or any other development located within the Bozeman UGA, when State statutory requirements for involuntary annexations have been met and City development standards are met or funded by a special improvement district or other funding mechanism.
 - D. The County agrees that the City may annex outside the UGA. When the annexation is for the purpose of accommodating uses that have a positive regional economic benefit, or any other such uses as mutually agreed to by the City and County, or if otherwise specifically agreed to by the County, the UGA boundary amendment procedure may be waived. The City agrees that proposed annexations outside the UGA will be sent by certified mail to the Board of County Commissioners for review and comment at least thirty (30) days prior to scheduled public hearing.
 - E. The City and County agree that the City is not obligated to annex any development approved by Gallatin County Commissioners, which does not conform to the Gallatin County UGA Standards, unless a variance, waiver or modifications to such standards was granted by the Commissioners and the City Commission recommended approval of the variance, waiver or modification.
- 2.09 Improvement to County Roads. The City agrees to apply appropriate off-site street improvement requirements to any development within the City limits which has an identifiable impact on the County road system. If improvements are to be made to County roads outside of the city limits, such improvements must conform to the Transportation Plan as adopted by TCC. The City agrees to send the plans of said improvements to the Gallatin County Planning Department and Gallatin County Road Department for review and comment.

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- 2.10 Amendments to the UGA Boundary. The City and County agree that amendments to the UGA Boundary will be in accordance with the procedures and requirements outlined in the Supplemental Regulations and shall be considered an amendment to this agreement. The UGA Boundary shall be reviewed and updated as necessary and no less frequently than once every two years.
- 2.11 Enforcement. It is the intent of both the City and the County that this Agreement be binding upon both the City and the County, and that either party hereto shall be permitted to specifically enforce any provision of this Agreement in a court of competent jurisdiction.
- 2.12 Term. This Agreement shall remain in force and effect for a period of six (6) years from the date of its execution. Thereafter, it shall be automatically renewed for successive six-year terms unless at least six (6) months prior to its scheduled expiration, either party should notify the other party of its decision that the Agreement not be renewed. Such notification shall be sent by certified letter, with a return receipt requested. In addition, the City and County agree to a biennial review of all elements of the UGA Program and prepare a joint staff report to the respective legislative bodies.
- 2.13 Applicability. **Whenever a provision of a Gallatin County Zoning Regulations, or the Gallatin County Subdivision Regulations pertaining to development within the UGA are in conflict with a provision of this Agreement, the provision of this Agreement shall apply,** provided that in no event shall the provisions of this Agreement take precedence over the Gallatin County Flood Plain Regulations.
- 2.14 Termination. In the event either party makes unilateral changes to regulations or practices that materially changes the intent of this agreement, then the aggrieved party shall have the option of terminating this Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement this day and year first above written.

URBAN GROWTH AREA MAP
(insert)